JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE IN AND FOR NEW CASTLE COUNTY COURT NO. 13

THEONE PENDERGAST	§	
Plaintiff Below,	§	
Appellant	§	
	§	
	§	C.A. No. JP13-19-000678
	§	
VS	§	
	§	
	§	
PAULA HOPKINS		
Defendant Below,		
Appellee		

TRIAL DE NOVO

Submitted: March 21, 2019 Decided: March 22, 2019

APPEARANCES:

Theone Pendergast, Plaintiff appeared pro se Paula Hopkins, Defendant appeared by and through Jillian Pratt, Esq.

Sean P. McCormick, Deputy Chief Magistate Cheryl McCabe-Stroman, Justice of the Peace Gerald Ross, Justice of the Peace

JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE IN AND FOR NEW CASTLE COUNTY COURT NO. 13

CIVIL ACTION NO: JP13-19-000678

THEONE PENDERGAST VS PAULA HOPOKINS

ORDER ON TRIAL DE NOVO

A trial *de novo* convened on March 21, 2019 before the panel of Deputy Chief Magistrate McCormick, Judge McCabe-Stroman and Judge Ross on Plaintiff's appeal of the decision entered February 12, 2019.

At the time of trial, Plaintiff established by introduction of her 5-day notice of demand and lease that a rental debt existed upon which possession could be granted. Defendant then sought rent abatement. The plaintiff conceded the conditions that Defendant complained of existed. The question before the panel was what amount of abatement should be granted and for what period of time. Ultimately, in exercise of its equitable powers, the panel held that all rent due and owing – a difference of only \$1.00 – should be abated. Possession is therefore awarded to Plaintiff based upon the de minimis debt.

IT IS SO ORDERED 22nd day of March, 2019

/s/ Sean P. McCormick (SEAL)
SEAN P. MCCORMICK
Deputy Chief Magistrate,
On behalf of the 3-Judge panel

Information on post-judgment procedures for default judgment on Trial De Novo is found in the attached sheet entitled Justice of the Peace Courts Civil Post-Judgment Procedures Three Judge Panel (J.P. Civ. Form No. 14A3J).